

§ 1904.17 Annual OSHA injury and illness survey of ten or more employers.

(a) Each employer shall, upon receipt of OSHA's Annual Survey Form, report to OSHA or OSHA's designee the number of workers it employed and number of hours worked by its employees for periods designated in the Survey Form and such information as OSHA may request from records required to be created and maintained pursuant to 29 CFR part 1904.

(b) Survey reports shall be sent to OSHA by mail or other means described in the Survey Form within 30 calendar days, or the time stated in the Survey Form, whichever is longer.

(c) Employers exempted from keeping injury and illness records under §§1904.15 and 1904.16 shall maintain injury and illness records required by §§1904.2 and 1904.4, and make Survey Reports pursuant to this Section, upon being notified in writing by OSHA, in advance of the year for which injury and illness records will be required, that the employer has been selected to participate in an information collection.

(d) Nothing in any State plan approved under Section 18 of the Act shall affect the duties of employers to comply with this section.

(e) Nothing in this section shall affect OSHA's exercise of its statutory authorities to investigate conditions related to occupational safety and health.

[62 FR 6442, Feb. 11, 1997]

STATISTICAL REPORTING OF
OCCUPATIONAL INJURIES AND ILLNESSES

§ 1904.20 Description of statistical program.

(a) Section 24 of the Act directs the Secretary of Labor, in consultation with the Secretary of Health, Education, and Welfare, to develop and maintain a program of collection, compilation, and analysis of occupational safety and health statistics. The Commissioner of the Bureau of Labor Statistics has been delegated this authority by the Secretary of Labor. The program shall consist of periodic surveys of occupational injuries and illnesses.

(b) The sample design encompasses probability procedures, detailed stratification by industry and size, and a systematic selection within strata. Stratification and sampling will be carried out by State and other jurisdictions in order to provide the most efficient sample for eventual State estimates. Some industries will be sampled more heavily than others depending on the injury rate level based on previous experience. Nationally, the survey should produce adequate estimates for most four-digit Standard Industrial Classification (SIC) industries in manufacturing and for three-digit SIC classification in nonmanufacturing. In participating States where the sample size has been supplemented significantly, comparable estimates are possible.

[37 FR 2439, Feb. 1, 1972, as amended at 42 FR 65166, Dec. 30, 1977]

§ 1904.21 Duties of employers.

Upon receipt of an Occupational Injuries and Illnesses Survey Form, the employer shall promptly complete the form in accordance with the instructions contained therein, and return it in accordance with the aforesaid instructions.

[42 FR 65166, Dec. 30, 1977, as amended at 47 FR 145, Jan. 5, 1982; 47 FR 14706, Apr. 6, 1982]

§ 1904.22 Effect of State plans.

Nothing in any State plan approved under section 18(c) of the Act shall affect the duties of employers to submit statistical report forms under § 1904.21.

[37 FR 2439, Feb. 1, 1972]

§ 1904.30 OMB control numbers under the Paperwork Reduction Act.

The following sections each contain a collection of information requirement which has been approved by the Office of Management and Budget under the control number listed.

29 CFR citation	OMB control No.
1904.2	1218-0176
1904.4-7	1218-0176
1904.8	1218-0007
1904.17	1218-0214
1904.21	1220-0045

[62 FR 44552, Aug. 22, 1997]

Pt. 1904, Note

EFFECTIVE DATE NOTE: At 66 FR 6122, Jan. 19, 2001, part 1904 was revised, effective Jan. 1, 2002. For the convenience of the user, the revised text is set forth as follows:

Part 1904—Recording and Reporting Occupational Injuries and Illnesses

Sec.

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- 1904.13–1904.28 [Reserved]
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- 1904.39 Reporting fatalities and multiple hospitalization incidents to OSHA.
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- 1904.41 Annual OSHA Injury and Illness Survey of Ten or More Employers.

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- 1904.43 Summary and posting of year 2000 data.
- 1904.44 Retention and updating of old forms.
- 1904.45 OMB control numbers under the Paperwork Reduction Act

Subpart G—Definitions

1904.46 Definitions.

AUTHORITY: 29 U.S.C. 657, 658, 660, 666, 669, 673, Secretary of Labor's Order No. 1–90 (55 FR 9033), and 5 U.S.C. 553.

Subpart A—Purpose

§ 1904.0 Purpose.

The purpose of this rule (Part 1904) is to require employers to record and report work-related fatalities, injuries and illnesses.

NOTE TO § 1904.0: Recording or reporting a work-related injury, illness, or fatality does not mean that the employer or employee was at fault, that an OSHA rule has been violated, or that the employee is eligible for workers' compensation or other benefits.

Subpart B—Scope

NOTE TO SUBPART B: All employers covered by the Occupational Safety and Health Act (OSH Act) are covered by these Part 1904 regulations. However, most employers do not have to keep OSHA injury and illness records unless OSHA or the Bureau of Labor Statistics (BLS) informs them in writing that they must keep records. For example, employers with 10 or fewer employees and business establishments in certain industry classifications are partially exempt from keeping OSHA injury and illness records.

§ 1904.1 Partial exemption for employers with 10 or fewer employees.

(a) *Basic requirement.* (1) If your company had ten (10) or fewer employees at all times during the last calendar year, you do not need to keep OSHA injury and illness records unless OSHA or the BLS informs you in writing that you must keep records under § 1904.41 or § 1904.42. However, as required by § 1904.39, all employers covered by the OSH Act must report to OSHA any workplace incident that results in a fatality or the hospitalization of three or more employees.

(2) If your company had more than ten (10) employees at any time during the last calendar year, you must keep OSHA injury and illness records unless your establishment is classified as a partially exempt industry under § 1904.2.